



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mingchih M. Tseng et al. Art Unit : 1744
Serial No. : 10/663,352 Examiner :
Filed : September 15, 2003
Title : COLOR CHANGING MATRIX AS WEAR INDICATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Prior to examination, please amend the claims as follows.

filed processed

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 6, 2004

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Sherry L. Hunt

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PRELIMINARY REMARKS

Applicants have decided to pursue the claims similar to those that were finally rejected in an office action dated February 27, 2001 during prosecution of U.S.S.N. 09/390,963. A copy of that office action, and of the amendment that preceded the office action, are enclosed.

The claims relate to a matrix that includes a water-insoluble polymer, a water-soluble polymer, and a water-leachable colorant. Applicants mentioned "water-leachable" colorants on page 18 of the application, but do not provide an express definition of water-leachable. None was necessary because the ordinary and accustomed meaning of "leach" is "to dissolve out by the action of a percolating liquid." See the enclosed excerpt from Webster's New Collegiate Dictionary. "Water-leachable" thus simply means that the colorant is water soluble. See Texas Digital Systems v. Telegenix, Inc., 308 F.3d 1993, 1202 (Fed. Cir. 2002) ("The term used in the claims bear a 'heavy presumption' that they... have the ordinary meaning that would be attributed to the words by a person of ordinary skill in the relevant art.... It has long been recognized... that dictionaries... are particularly useful resources [for determining ordinary meaning].").

Claim 45 is distinct, for example, from the composites disclosed in Tseng, U.S. Pat. 5,349,750 ("Tseng"). Tseng describes a shaving aid composite for use on razors. The components of the composite include a water-insoluble polymer and a water-soluble polymer. Example 1 discloses a composite that also includes a "color dye", but does not disclose that the color dye is water-leachable as required by the claims. Claims 45-50 therefore are novel Tseng. Moreover, Tseng does not teach that he wants the components to change color with use, and as a result does not suggest that a water-leachable colorant should be used in the composite. Claims 45-50 therefore are not suggested by Tseng.

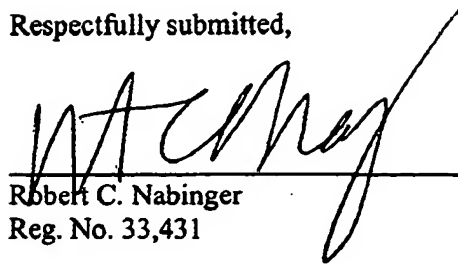
Applicants ask that the claim be examined in view of the amendment to the claims.

Please apply any other charges or credits to deposit account 06 1050.

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Attorney's Docket No.: 00216-091011 / OB-37H

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Nabinger', is written over a horizontal line.

Robert C. Nabinger
Reg. No. 33,431

Date: April 6, 2004

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